

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

ALFREDO CASTELLANOS-BAYOUTH,

Plaintiff,

Civil No. 06-1515 (JAF)

V.

PUERTO RICO BAR ASSOCIATION,
et al.,

Defendants.

ORDER

The Emergency Request for Reconsideration and/or for Stay,
Docket Document No. 147, is DENIED.

The court is aware of the content of the taped meetings of the Colegio de Abogados Board of Governors (Directors), and nothing there contained constitutes privileged information or attorney-client privileged disclosure. Obviously, the Colegio de Abogados has an inherent right to have its Board discussions kept confidential. No Board would meet in a public place to discuss management matters in the public arena.

However, the Colegio de Abogados, as an entity that has the protection of law to require compulsory membership of all attorneys as a legal requisite to practice the legal profession, must yield and share the confidential information in the context of the judicial process to satisfy legitimate discovery concerns.

Civil No. 06-1515 (JAF)

-2-

1 This court has taken precautions to preserve confidentiality.
2 A strict rule as to who can hear the tapes has been set. The tapes
3 can be heard under strict supervision by the Clerk's Office, at the
4 Clerk's Office facilities. No duplication of the tapes has been
5 allowed. No time to prepare a transcript has been granted. The
6 court only has permitted a few lawyers to hear the tapes and, if they
7 find any content relevant to their specific discovery needs, they
8 must simply bring back to the court the recording date and time. The
9 court will then specifically pass upon the parties' claims for or
10 against public production. Our order clearly implies that violations
11 not only to the letter but also to the spirit of the court's order
12 will result in severe sanctions that may include criminal contempt
13 charges. Public dissemination of any content, even if it does not
14 qualify as confidential, is strictly prohibited without the court's
15 previous endorsement.

16 The Colegio de Abogados faces serious charges in the pleadings
17 in this case. These charges, if proven to be true, may be in
18 violation of previous judicial dispositions made by federal courts in
19 the past regarding the Colegio's activities. By the very nature of
20 its public character, guaranteed by laws of the Commonwealth of
21 Puerto Rico, the integrity of this Association, and the legality of
22 its actions, can be, and must be, scrutinized when confronted with
23 allegations of the kind made in the complaint.

24 This court's mission is to protect both sides to this
25 controversy as it pertains to their legal rights and obligations. We

1 Civil No. 06-1515 (JAF)

2 -3-

3 find, based on the recorded content of the meetings, that the correct
4 way to proceed is to allow the restricted discovery. In the last
5 analysis, this may prove to be beneficial to the Bar Association.

6 In sum, we hold the Colegio de Abogados and its compulsory Bar
7 membership to the highest standards of compliance, not only in regard
8 to its obligations under the enabling statutes, but also under
9 federal case law precedent directly applicable to the Association.
10 Permitting recorded meetings to be scrutinized as part of the
11 discovery, absent any identifiable or specific privilege which has
not been pinpointed and which we do not find, is a small
inconvenience compared to what is at issue here.

12 **IT IS SO ORDERED.**

13 San Juan, Puerto Rico, this 12th day of October, 2006.

14 s/José Antonio Fusté
15 JOSE ANTONIO FUSTE
16 Chief U. S. District Judge